

Summary

Given the unprecedented medical progress combined with longer life expectancies, the right to die has become one of the main contemporary social issues. The objective of the thesis titled “The Right to Die in Light of European System of Protection of Human Rights” is to present conclusions in following matters: inclusion of the right to die in European human rights system and addressing the right to die before the European Court on Human Rights.

Though the right to die can take on many forms, two basic categories of such are euthanasia and assisted suicide on one hand and withdrawal of treatment on the other. First of all, the thesis is concerned with characteristics of individual forms of the right to die. It focuses primarily on the difference between those two categories i.e. the intention of the action, for such distinction forms the basis of the European system of protection of the right to die as well as ECHR case-law.

The right to die is provided for by the European human rights system to some extent. The thesis therefore focuses on the most important European acts pertinent to this area. Neither European Convention on Human Rights nor Convention on Human Rights and Biomedicine establishes the right to die explicitly, yet several forms can be derived by interpreting them. Conversely, the right to die is taken into consideration in European soft law more thoroughly. These acts, although not legally binding, take on significance when regulating the right to die at national level or even during the decision-making process of ECHR.

Finally, the thesis focuses on the ECHR case-law relating to various forms of the right to die. Individual cases are presented in chronological order to observe the evolution of ECHR's approach. According to ECHR, personal autonomy is the overriding principle pertinent to the right to die, nevertheless, an obligation to protect life shall be also taken into account. However, ECHR reiterates that no European consensus has been reached in this area thus leaving the states a wide margin of appreciation.